APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,545	06/27/2001	Dominique Chantrain	Q64735	1856

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EXAMINER
BARQADLE, YASIN M

ART UNIT	PAPER NUMBER
2153	.

DATE MAILED: 01/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/891,545	CHANTRAIN ET AL.
	Examiner	Art Unit
	Yasin M. Barqadle	2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>*10/26/2006*</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>*6/2001, 4/2004*</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

Response to Amendment

1.   Applicant's arguments filed on October 26, 2005 have been considered but are not

persuasive.

- Claims 1-13 are presented for examination.

Response to Arguments

2.   In page 9, second paragraph, Applicant argues that "there is no teaching or suggestion in

Provino of a user connecting to another communication device that is out side of a VPN (to

which the user is already connected) and using an identifier of the connected-to VPN as logical

identifier to facilitate sending messages to and receiving messages from the communication

device." It is noted that the features upon which applicant relies are not recited in the rejected

claim(s). Although the claims are interpreted in light of the specification, limitations from the

specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26

USPQ2d 1057 (Fed. Cir. 1993).

In response to Applicant's arguments in page 10, that "There is no reference in Provino that the

predetermined integer address is somehow related to an identifier of an already connected-to

VPN network, or that the secure tunnel is correlated to or refers to an identifier of an already

connected-to VPN network." Examiner notes that Provino teaches a Virtual private network 15

that comprises any of the devices 12(m') (m'.apprxeq.m) (thereby connecting to the Internet 14

through an ISP) or 13 (thereby connecting directly to the Internet 14). " the virtual private

network 15 will be assumed to comprise a device 13. The virtual private network 15 itself

includes a plurality of devices, identified herein as a firewall 30, a plurality of servers 31(1)

through 31(S) (generally identified by reference numeral 31(s)) and a nameserver 32, all

interconnected by a communication link 33." (Col. 6, lines 6-28). Further, Provino teaches a

secure message packet processor to facilitate the establishment and use of a "secure tunnel,

between the device 12(m) and another device 12 (m') (m'.apprxeq.m) or 13. "Generally, in a

secure tunnel, information in at least the data portion of message packets transferred between

device 12(m) and a specific other device 12(m') (m'.apprxeq.m) or 13 is maintained in secret by,

for example, encrypting the data portion prior to transmission by the source device. Information

in other portions of such message packets may also be maintained in secret, except for the

information that is required to facilitate the transfer of the respective message packet between the

devices, including, for example, at least the destination information, so as to allow the Internet's

switching nodes and ISP's to identify the device that is to receive the message packet." Col. 5,

lines 43-59). Since authorized external devices connect the VPN network via a logical channel

as shown in fig. 1, and communication happens via established secure tunnel (already connected

user), it is inherent that the established connection of device 12(m) uses an identified and

recognized/approved logical connection (via tunneling protocol), where the firewall 30 receives

a message packet from the device 12(m) over the secure tunnel and transfers the message packet

to the device in the private network over the communication link 33. (col. 5, lines 43-65. see also

col. 12, lines 1-40 and col. 9, lines 46 to col. 10, line 33).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3.   Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Provino (U.S. Patent Number 6557037).

As per claim 1, 8-12, Provino teaches a method for enabling a user registered in an Network Access Server as already connected to a host Virtual Private Network (authorized users 12m'=m connected VPN 15 via ISP 11) to communicate with at least one communication device outside of said host Virtual Private Network (communicate devices 13 or server 32 col. 5, lines 43 to col. 6, line 28), said Network Access Server having access over a data communication network (internet 14) to said communication device and to a plurality of Virtual Private Networks

including said host Virtual Private Network (network 15 and other private networks connected to

internet 14, fig. 1 col. 6, 43-65), where said method comprises;

detecting a message being sent from said user and to said communication device while said user

is currently connected to said host Virtual Private Network (receiving a message destined to

devices in the private network by firewall 30 via the secure tunnel col. 5, lines 43-65. see also

col. 12, lines 1-40 and col. 9, lines 46 to col. 10, line 33).; directing said message to a logical

channel between said Network Access Server and said communication device (see logical

channel 41,41 43 ; 44 col. 3, lines 38-46 and col. 4, lines 23-65 and col. 9, lines 46 to col. 10,

line 33).), wherein said logical channel has, as a logical identifier, an identifier of said host

Virtual Private Network to which said user currently connected (secure channel is established

between device 12(m) and device within VPN network 15 col. 9, lines 6-65. The transferred

message packet contains header portion that identifies the source and destination address.

Because authorized external devices connect the VPN network via a logical channel as shown in

fig. 1, it is inherent that the established connection of device 12(m) uses an identified and

recognized/approved logical connection (via tunneling protocol) (col. 3, line 59 to col. 4, lines 14

and col. 5, lines 43-65. see also col. 12, lines 1-40).

As per claim 2-3, Provino teaches the invention comprising:

detecting a message from said communication device being received at said Network

Access Server on the logical channel having , as logical channel identifier , the identifier of a

Virtual Private Network, said message containing a user destination address (The transferred

message packet contains header portion that identifies the source and destination address col. 3,

line 59 to col. 4, lines 14 and col. 5, lines 43-65. see also col. 9, lines 46 to col. 10, line 33 and

col. 12, lines 1-40); determining a user registered in said Network Access Server as already

connected to said Virtual Private Network and corresponding to said destination address

(authorized user access the VPN network col. 9, lines 46-65); and forwarding said message from

said Network Access Server to said user (col. 5, lines 1-59).

As per claim 4, Provino teaches the method according to claim 1, wherein said messages

belonging to the communication between said user and said communication device are

encapsulated in data packets, said data packets comprising a field containing said identifier of

said host Virtual Private Network or an indication derived of said identifier (col. 3, lines 1-9 and

col. 5, lines 1-59).

As per claim 5, Provino teaches the method according to claim 4, wherein said messages

belonging to the communication between said user and said communication device are sent over

a tunnel, wherein said tunnel has, as a tunnel identifier, said identifier of said host Virtual Private

Network as tunnel identifier (to establish a secure tunnel one must use identifiers of the

connected entities fig. 1 and col. 5, lines 43-59 ; col. 12, lines 1-40 and col. 9, lines 46 to col. 10,

line 33).

As per claim 6, Provino teaches the method according to claim 1, wherein said messages contain

IP packets comprising an IP address of said user (col. 3, lines 62 to col. 4, line 14).

As per claim 7, Provino teaches the method according to claim 1, wherein said communication device is a server belonging to a Virtual Private Network, called local Virtual Private Network, associated to said Network Access Server and different from said host Virtual Private Network (col. 9, 6-45 and col. 11, lines 46 to col. 12, line 16.

As per claim 13, Provino teaches forwarding engine that forwards message from logical controller to said user after user has been identified (col. 9, lines 32-65).

Conclusion

1.   **ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin Barqadle whose telephone number is 571-272-3947. The examiner can normally be reached on 9:00 AM to 5:30 PM.
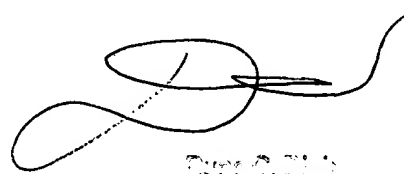
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Information regarding the status of an application may be obtained form the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or public PAIR system. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YB

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